REMARKS

Claims 1-12 and 19-25 are currently pending in the application. In the Office Action mailed March 21, 2008, claims 19 and 22 stand rejected because of alleged informalities. Claims 1-12 and 19-25 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Justice, Jr. et al. (US Patent No. 6,418,469) in view of Roytman et al. (US Patent No. 6,356,282) and further in view of Johnson (US Patent No. 6,275,855).

Applicants respectively traverse. After a careful review of the Office Action, the cited references, and Applicants' claim clarifications, Applicants respectively request reconsideration in view of the following remarks.

I.   CLAIM OBJECTIONS

Claims 19 and 22 are rejected to because of informalities. Applicants have revised claims 19 and 22 and therefore respectively request that these objections be withdrawn.

II.   CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-12 and 19-25 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Justice, Jr. et al. (US Patent No. 6,418,469) ("Justice 469") in view of Roytman et al. (US Patent No. 6,356,282) ("Roytman 282") and further in view of Johnson (US Patent No. 6,275,855) ("Johnson 855").

A.   *Applicants' Presently Claimed Invention*

Applicants' presently claimed invention is generally directed to an apparatus and method for management of a network and more particularly to a network management apparatus and method capable of generating events when predefined significant conditions are detected. *See, e.g.,* Applicants' Specification at p. 1 lines 6-9.

More specifically, Applicants presently claimed invention is generally directed to methods and system that processes received network management data, and determines if the

network management data indicates that a previous (*i.e.*, historical) event in an event log has been resolved and then changing a severity indicator of the previous event dependent on a determining step.

As Applicants explain, when processing of data by the network management application detects certain predetermined conditions, the network management application will generate an event. For example, if a network device fails to respond to an IP Ping sent by the network management application within a predetermined time period, an event will be generated. Such events are stored in memory and placed in an event list for presentation, e.g., by display on a display screen or by printing in a report. For each event, the information recorded (i.e., event data) includes the time of the event (typically by means of a "time stamp"), the identity of the device concerned, the type or nature of the event, and the severity of the event. The severity of the event is dependent on the type of event and the type of device concerned, and is included to assist the administrator in determining which events indicate problems which require the most urgent attention. Therefore, events such as an end station not responding to IP Ping has a "Low" severity, whereas a similar event for a core device has a "High" severity.

The following Table is an example of an event list which may be produced for the Applicants' network 1 illustrated in Figure 1:

Time	Device Name	Description	Severity
11.01	HUB10-1-72	Utilization on port 2 exceeded 80%	HIGH
11.03	S1000-1-72	Errors on port 1 exceeded 5%	HIGH
11.06	HUB10-1-72	Utilization on port 2 exceeded 80%	HIGH
11.00	S1000-1-72	Errors on port 24 exceeded 5%	HIGH
10.58	S1000-1-72	Errors on port 2 exceeded 5%.	HIGH

10.58	PSH40-1-72	Broadcasts on port 12 exceeded 200%	HIGH
10.57	HUB10-1-72	Utilization on port 2 exceeded 80%	HIGH
10.56	S1000-1-72	Utilization on port 24 exceeded 80%	HIGH

Applicant's Table provided above indicates a large number of events having a High severity, received over a time period of 5 minutes. Therefore, for a longer period of time, which would be more typical of the time interval between reviews of the event list, the network administrator will have difficulty in determining which events in the event list indicate current network problems requiring attention. *See, e.g.,* Applicants' Specification Page 8 Line 5 – Page 9 Line 5).

Applicants' presently pending claims have been clarified to expressly recite such an event list comprising a severity indication where the severity indicator is dependent on event type and device type. For example, independent claim 1 now expressly recites the step of "maintaining an event list, said event list comprising a severity indicator of said previous event, <u>said severity indicator dependent on a event type and a device type</u>." The remaining pending independent claims, claims 8, 23, and 24, recite similar limitations.

A.   *The Cited References Do Not Disclose Applicants' Presently Claimed Invention*

   i.   The Presently Pending Office Action Concedes
         <u>That Justice Fails to Disclose "A Severity Indicator"</u>

Neither Justice nor Roytman disclose Applicants' presently claimed invention. More specifically, neither Justice nor Roytman disclose Applicants' presently claimed step of "maintaining an event list, said event list comprising a severity indicator of said previous event, <u>said severity indicator dependent on a event type and a device type</u>." As noted above, the Office Action rejected claims 1-26 under 35 U.S.C. § 103(a) as being obvious over the

combination of three references: Justice and Roytman and Johnson. In order to establish a *prima facie* case of obviousness of a claimed invention by applying a combination of references, the cited references must teach or suggest all of the claim limitations. M.P.E.P. § 2143. Applicants respectfully submit that these rejections are improper, since the present Office Action concedes that Justice fails to teach or suggest all of the elements of any of Applicants' presently pending claims. Roytman does not make up the deficiencies. Therefore, the Office Action fails to establish a *prima facie* case of obviousness.

For example, the presently pending Office Action concedes that Justice fails to teach or such Applicants' claimed step of "maintaining an event list, said event list comprising a severity indicator of said previous event." The Office Action states:

> Justice does not explicitly disclose maintaining an event list, said event list comprising severity indicator of said previous event; determining said resolution of event in real-time and changing a severity indicator of said previous event dependent on said determining step; depending on said severity indicator.

> The concept of having an event list and the event list comprising a severity indicator is a well known concept. For instant, Roy [sic] teaches an event list and the event list comprising a severity indicator (see Roy figure.6 and figure.7, event list comprising severity indicator).

> It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Roy to the method of Justice to include the event list and the severity indicator because it would be helpful to the network management personnel in identifying and acknowledging the network condition (see Roy co1.3, lines 31-43).

March 21, 2008 Office Action at page 3-4.

Applicants agree with the previous Office Action that Justice fails to teach or suggest the step of "maintaining an event list, said event list comprising a severity indicator of said previous event." However, Applicants respectively disagree that Roytman makes up for the deficiencies of Justice and therefore respectively traverse this aspect of the presently pending Final Office Action. However, in an effort to expedite the allowance of this pending application (an application that has been pending in the PTO for well over seven years), Applicants have further

clarified the pending independent claims to expressly recite the step of "maintaining an event

list, said event list comprising a severity indicator of said previous event, <u>said severity indicator</u>

<u>dependent on a event type and a device type</u>." Roytman fails to teach or suggest such a step.

Rather, Roytman appears to be generally directed to network management tools

for managing distributed networks and, in particular, to alarm servicing tools. (Roytman

Col. 1 Lines 6 – 8).

The present Office Action refers to Figure 6 and 7 of Roytman as teaching Applicants'

"severity indicator." Applicants' respectively traverse.

Roytman's FIG. **6** is a screen display of the alarm manager illustrating an alarm

summary display and FIG. 7 is a screen display of the alarm manager illustrating display of

individual alarms. Roytman discusses Figure 6 at Col. 8 lines 11 – 44 and this discussion is

provided below:

> In the association viewing mode, such as that illustrated in FIG. **6,** an alarm listed
> in the table of alarms actually represents a group of similar alarms. The alarm
> selected to represent the group is either the highest severity, or the most recent.
> The operator can determine the criteria used to select the representative alarm
> when he specifies the association rules. Any action taken on an alarm while
> viewing associations applies to all the alarms in the group associated with that
> alarm. For example, if an alarm is acknowledged in the association viewing
> mode, all alarms in the same association are changed to an acknowledged state.
>
> The alarms can also be filtered to select only those that match selected criteria.
> The criteria include managed object instance or the device triggering the alarm;
> managed object class or the type of device or resource generating alarms; alarm
> state or severity and event type, such as communications, Internet, etc. Further
> filtering can be performed on the date and time, acknowledgment operator or the
> user name of the operator who acknowledged an alarm, acknowledgment date,
> clear operator or the user name of the operator who cleared an alarm, clear date
> and problem code or the numeric or textual ID of the probable cause of an alarm.

As can be seen from this discussion, Figure 6 of Roytman simply does not teach or

suggest Applicants "maintaining an event list, said event list comprising a severity indicator of

said previous event<u>, said severity indicator dependent on a event type and a device type</u>."

Figure 7 of Roytman fails for similar reasons. For example, Roytman discusses Figure 7 at Col. 8 line 46 – Col. 9 line 14 and is provided below:

> One problem with the alarm instances window illustrated in FIG. **7** is the scroll bar **704** which allows an operator to scroll particular lines representing individual alarms onto the display screen. When the alarm log has many records, the large number of rows will not fit on the screen display **700.** Consequently, the scroll bar **704** is provided to allow a user to scroll the records up and down on the screen so that a desired record can be brought into view. When new records are added to the display, the scroll bar thumb **706** typically flickers and resizes to alter the user that new records have arrived.
> However, the flickering and resizing of the scroll bar thumb **706** is not sufficiently noticeable to signal network management personnel that new events have arrived. Even if an operator is viewing the display when new events arrive, it is very easy to the resizing and thus very critical events. In addition, if an operator actually wants to see all of the incoming events as they arrive, the operator must continually click on the scroll bar **704** as events come in. In a busy system, it is impossible to click fast enough to see all events. Further, it is difficult to accurately move the scroll bar thumb **706.** An operator can click on the scroll bar arrow buttons **702,708** to scroll the events, but the arrows **702,708** only scroll down the display one event at a time and thus are slow to use. It would be more advantageous to click on the slider **710** between the scroll bar thumb **706** and the arrow **708,** but if the log is large enough, this area is so small that it is nearly impossible to keep clicking in it accurately. In addition, depending on a sort order, newly arrived alarms **902 can** arrive at the top or bottom of the alarm list. In accordance with the principles of the present invention, a scrolling function is inserted between the incoming alarm records and the tabular display, such as display view window **700. In** addition a user interface is added to control the scrolling. The scrolling direction can be either "up" or "down", depending on the alarm sort order so user will always see the latest incoming alarm.

As can be seen from this discussion, Figure 7 of Roytman simply does not teach or suggest Applicants "maintaining an event list, said event list comprising a severity indicator of said previous event<u>, said severity indicator dependent on a event type and a device type</u>."

Consequently, since Roytman fails to teach or suggest the step of "maintaining an event list, said event list comprising a severity indicator of said previous event<u>, said severity indicator dependent on a event type</u>," Roytman naturally fails to teach or suggest the step of "maintaining an event list, said event list comprising a severity indicator of said previous event<u>, said severity indicator dependent on a event type and a device type</u>." Justice in combination with Roytman, therefore, fails establish a *prima facie* case of obviousness.

III.   <u>SUMMARY</u>

Applicants respectfully submit that, in view of the remarks above, the present application, including claims 1-12 and 19-25, is in condition for allowance and solicit action to that end.

If there are any matters that may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative at (312) 913-0001.

Respectfully submitted,

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